

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TORAN PETERSON,
Plaintiff,

No. 1:09-cv-233

-v-

HONORABLE PAUL L. MALONEY

BRIAN FOCO, ET AL.
Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter comes before the court on a report and recommendation filed by the magistrate judge. (ECF No. 43.)

On June 2, 2010, this court received a motion filed by Plaintiff. (ECF No. 41.) In the motion, Plaintiff requested an additional 20 days to file a response to a motion for summary judgment and entry of a preliminary injunction transferring him to another facility within the Michigan Department of Corrections. On June 17, 2010, the magistrate judge issued an order extending the time for Plaintiff to file a response to the summary judgment motion until July 6, 2010. (ECF No. 42.) The same day, the magistrate judge issued a report recommending Plaintiff's motion for a preliminary injunction be denied. (ECF No. 43.) On July 14, 2010, this court received from Plaintiff another motion for extension of time. (ECF No. 45.) Plaintiff requested an additional 30 days. Plaintiff did not specify whether the request was for the time to file objections to the report and recommendation or the response to the motion for summary judgment. On August 25, 2010, Plaintiff filed his response to the motion for summary judgment. To date, no objections have been filed to the report and recommendation.

The court has reviewed the report and recommendation filed by United States Magistrate Judge Joseph G. Scoville in this action. The report and recommendation was duly served on the parties. No objections have been filed. More than four months have passed since the report and recommendation issued.

Plaintiff's motion for extension of time (ECF No. 45) is **DISMISSED AS MOOT**. Plaintiff requested an additional 30 days. More than three months have passed since Plaintiff filed the motion. Plaintiff has been afforded more time than he requested.

The report and recommendation (ECF No. 43) is adopted as the opinion of the court.

Plaintiff's motion for preliminary injunction (ECF No. 41) is **DENIED**.

IT IS SO ORDERED.

Date: October 19, 2010

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge